

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAIN STREET AMERICA ASSURANCE	:
COMPANY,	:
	:
Plaintiff,	:
	:
– against –	:
	:
	:
MAVEN BUSINESS SOLUTIONS GROUP	:
INC., 25 TUDOR OWNERS CORP., PRC	:
MANAGEMENT COMPANY LLC, UPGRADE	:
CONTRACTING CO., INC., EVEREST	:
SCAFFOLDING, INC. and PRO SAFETY	:
SERVICES LLC,	:
	:
Defendants.	:
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ANN M. DONNELLY, United States District Judge:	

On November 15, 2021, the plaintiff filed this action seeking a declaratory judgment that the insurance policy it issued to Maven Business Solutions Group Inc. is void *ab initio* and that the plaintiff has no obligation to defend or indemnify Maven in underlying state court and third-party actions. (ECF No. 1.) The plaintiff moved for default judgment on March 31, 2022. (ECF No. 15.) I referred the motion to the Honorable Robert Levy, who issued a report and recommendation on December 5, 2022 (ECF No. 20), in which he recommends that the Court grant the plaintiff’s motion and enter a declaratory judgment that the policy is void, that the plaintiff is not obligated to pay any claims under the policy and that the plaintiff may withdraw the courtesy defense in the underlying actions. No party has filed an objection to the report and recommendation; the time for doing so has passed.

A district court reviewing a report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept a report and recommendation to which no timely objection has been

made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX Amplification Ltd. v. Meussdorffer*, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014).

I have carefully reviewed Magistrate Judge Levy’s well-reasoned report and recommendation for clear error and find none. Accordingly, I adopt the report and recommendation in its entirety. A declaratory judgment will be entered that Main Street America Assurance Company businessowners policy number MPU5192Z to Maven Business Solutions Group Inc. was void from its inception, that the plaintiff is not obligated to pay any claims on the policy and that the plaintiff may withdraw its courtesy defense on thirty days’ notice.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
January 05, 2023